9th September 1958] [Deputy Chairman]

the strike was called off, the workers were allowed to join work, the daily resumed publication and the matter has been happily closed long ago. I, therefore, rule the motion out of order.

* DR. V. K. JOHN: May I ask whether in view of this offer of the Hon. Minister to make a statement and allow discussion on it, a day may be fixed for the purpose?

THE HON. SRI R. VENKATARAMAN: Mr. Deputy Chairman, our House has a reputation for observing the rules fairly well. The hon. the Deputy Leader of the Opposition knows that he can call for a statement from the Government under the rules. If he gives notice calling for a statement, he can have it.

SRI MOHAMED RAZA KHAN: In the course of discussion now, the offer was made by the Hon. the Minister for Home that he was prepared to make a statement.

THE HON. SRI R. VENKATARAMAN: That only means that if a statement is called for from the Government, the Government would make one.

SRI MOHAMED RAZA KHAN: There have been many occasions on which Government have themselves made such statements.

SRI S. T. ADITYAN: Is it difficult to make such a statement?

DEPUTY CHAIRMAN: I think we must observe rules.

SRI S. T. ADITYAN: Why not it be taken for granted that such a request has been made and why not the Minister proceed with the statement?

DR. V. K. JOHN: I think notice has already been given.

(2) BANNING OF PUBLIC MEETING ON 3RD JANUARY 1958 ON THE OCCASION OF THE VISIT OF THE PRIME MINISTER OF INDIA TO MADRAS.

DEPUTY CHAIRMAN: I have received notice of another motion under rule 42 of the Council Rules from Dr. V. K. John for the adjournment of the business of the Council to discuss a definite matter of urgent public importance, viz., the conduct of the State Government in banning a public meeting on 3rd January 1958 on the occasion of the visit of the Prime Minister of India to Madras, and in prosecuting Sri C. N. Annadurai and a few Members of the Legislative Assembly and Parliament and eventually remitting the sentences of imprisonment passed by the Second Presidency Magistrate on 3rd September 1958, thereby giving the impression to the public that the banning of the meeting, the prosecution and the conviction of the accused were wrong.

Before I proceed to rule the motion either in order or out of order, I wish to hear the Deputy Leader of the Opposition on the point as to how the matter involves more than the ordinary day-to day administration of law.

* DR. V. K. JOHN : That you, Mr. Deputy Chairman, for giving me permission to speak on this motion and explain how it is in order. Now, this is as important as the matter we discussed a few minutes back. What happened is this. On the 3rd January 1958, the Prime Minister of India was in Madras. I take this opportunity to say that the Prime Minister's position ought to be respected. I am totally against any demonstration in our State against the Prime Minister when he visits the State. It was not a very courteous form of demonstration that was thought of. It should not have been attempted and it should not have been made against the Prime Minister. What happened? The Government banned the meeting at the Beach at which persons belonging particularly to the Dravida Munnetra Kazhagam were to speak. If the meeting was not banned, they would have addressed the meeting and everything would have been over. But instead of allowing it, the meeting was banned.

THE HON. SRI M. BHAKTAVATSALAM : This has been discussed in the House.

*DR. V. K. JOHN. It was said that the matter was *sub judice* and was not discussed. The Government committed the greatest blunder in banning the meeting. They realised it but they could not prevent the arrest and prosecution of eminent men —men respected in this State as much as any other man is respected—like Mr. C. N. Annadurai and other Members of the Assembly and the Parliament. They were arrested on a charge
3-50 a.m. of disobeying a Government Order. I am not in the least suggesting that when Government pass an order, it should be disobeyed by anybody. Whether an order is passed rightly or wrongly, no man should disobey the order of Government, however eminent his position is. That is why Government arrested and prosecuted these men.

THE HON. SRI C. SUBRAMANIAM : How is it relevant here?

* DR. V. K. JOHN : It is relevant in my opinion. What happened then? They were prosecuted and the Magistrate convicted them. The Magistrate imposed a fine of Rs. 25 on the 3rd of this month. The Government had bungled. They got discouraged and unhappy. They thought that what they did in the beginning was a blunder and so remitted the sentence. Will any Government remit the sentence? Why should they remit the fine?

THE HON. SRI C. SUBRAMANIAM : No, it was not remitted. Kindly read the order.

SRI K. BALASUBRAMANYA AYYAR : The sentence was amended.

* DR. V. K. JOHN : Imprisonment was remitted. Anyway, the order of the Magistrate was interfered with. The public should know why the order of the Magistrate was interfered with. Is it because the Government thought that the banning of the meeting

9th September 1958] [Dr. V. K. John]

on the 3rd January 1958 was a mistake and a blunder and that the prosecution was a mistake or that the conviction was a mistake? These things ought not to happen. Would the Government have remitted the sentence of improsinment if a poor man had been prosecuted for an offence and convicted by the Court? Because these important people were prosecuted and convicted, Government immediately remitted the sentence. I say it does not do much credit to the Government to make a distinction between man and man. They must certainly satisfy the public mind why they did it. I suggest that they did it because they realised that they had committed a blunder in banning that public meeting, in arresting and prosecuting the persons concerned and getting them convicted. Therefore, they remitted the sentence. This should not be repeated. If the Government feel that the banning of the public meeting was all right, that the arrest and prosecution of those people were all right and that the conviction was also all right, however eminent the persons might be, they should not remit a sentence of imprisonment. I am sure that the Government in their heart of hearts knew that it was not all right.

THE HON. SRI C. SUBRAMANIAM : I would request the hon. the Deputy Leader of the Opposition to speak to the point regarding the adjournment motion.

* DR. V. K. JOHN : I would request the Hon. the Finance Minister not to interrupt me whenever I speak.

THE HON. SRI C. SUBRAMANIAM : Whenever the hon. the Deputy Leader of the Opposition speaks, he should speak to the point. He knows what is relevant to the issue. Here you, Mr. Deputy Chairman, have asked him to show how this motion is in order. What we realise does not make it relevant for the purpose of the motion. Whatever might be our guilt or realisation, he should show how the motion is in order according to the rules of procedure. Instead of that, if the hon. the Deputy Leader of the Opposition goes on in the present strain, certainly we, who are interested in the proper observance of the rules of procedure of the House, should point out that he is going beyond the realm of relevancy.

* DR. V. K. JOHN : Let the Hon. the Finance Minister read the reports of my speeches in the proceedings of the House and point out where I had gone beyond the realm of relevancy so that I could read them. Why, after all, should he get very worried over the language used by me or get excited over the language I use? I use the language which I think is proper. It may or may not be strong. But I definitely object to interruptions in this House. I know certain Members of the Treasury Benches do not like me to use the language I use in criticising the Government. Unfortunately, I have done it, and I propose to do it hereafter, so long as I am a Member of this House. I would, therefore, request the Hon. the Finance Minister.

[9th September 1958

THE HON. SRI C. SUBRAMANIAM : The hon. the Deputy Leader of the Opposition is going beyond the scope of the rules.

* DR. V. K. JOHN : These interruptions are too many and because there are interruptions . . . .

DR. A. SREENIVASAN : They are interrupting to break the continuity of thought . . .

* DR. V. K. JOHN : The hon. Member has explained the interruptions as intended to disturb the continuity of thought.

Now, let me explain how it is an urgent matter of public importance. The public are agitated over it, and it is a matter of public importance. I could not under the rules bring this up for discussion in this House because it was first *sub judice* and the sentence was remitted only on the 3rd. Therefore, the matter is important and urgent because every man in the street—everywhere the people collect, in the club, in the court—criticises the Government and says 'Look at the Government. They realised that a blunder had been committed and, therefore, they remitted the sentence '.

THE HON. SRI R. VENKATARAMAN : Birds of the same feather flock together.

DR. A. SREENIVASAN : இருக்கலாம்.

* DR. V. K. JOHN : I submit, Sir, that it is an urgent matter of public importance. There is also a policy involved. Therefore, I ask for leave of the House to make the motion.

THE HON. SRI R. VENKATARAMAN : Mr. Deputy Chairman, Sir, I must first point out the infirmity in the motion itself. The motion shall not include two matters. It shall confine itself to one matter only. The hon. the Deputy Leader of the Opposition has included two matters in the motion, one relating to the banning of the public meeting on the 3rd January and another relating to the remission of the sentence. Therefore, it offends the rules. (Interruption) I am a lawyer enough to answer the hon. the Deputy Leader of the Opposition Dr. John and I am sure he will appreciate my arguments. Therefore, this motion suffers by violation of rule 52 of the rules of procedure.

Secondly, the power of remission of sentence is a well-known power granted to Government under the Criminal Procedure Code and has been exercised by Governments times without number. Nobody, merely because he does not like the exercise of the power by the Government or merely because he has different views on the subject, can say that it is a matter for censuring the Government. The point here for consideration is whether the Government have done anything outside the ordinary course of administration. It is well within the powers of the Government to remit the sentence. What has been done in this case is not that

9th September 1958] [Sri R. Venkataraman]

the whole sentence has been remitted, as has been wrongly interpreted by the hon. the Deputy Leader of the Opposition but only that that portion of the sentence, namely, 'in default of payment of fine' has been remitted and the fine will be recovered under the normal procedure of law. Therefore, the hon. the Deputy Leader of the Opposition will realise that there is no case for a motion to adjourn the business of the House to discuss the matter.

DEPUTY CHAIRMAN: I am satisfied that the matter does not involve more than the ordinary administration of law and that it relates to a mere exercise of the statutory powers conferred on the Government by section 401 of the Code of Criminal Procedure. I, therefore, rule the motion out of order.

DR. A. SREENIVASAN: Will the Hon. the Leader of the House agree to make a statement on this matter also provided notice is given according to rules just as was promised in the other case?

IV.—ANNOUNCEMENTS BY THE DEPUTY CHAIRMAN.

(1) PANEL OF VICE-CHAIRMEN.

DEPUTY CHAIRMAN: I have to announce to the House that, under rule 14 of the Madras Council Rules, I have nominated the following Members of the Council to be the panel of Vice-Chairmen for the Thirteenth Session of the Legislative Council under the Constitution:—

(1) Sri P. T. Rajan.

(2) Sri T. P. Srinivasavaradan.

(3) Sri V. M. Surendram.

(4) Srimathi Saraswathy Pandurangam.

(2) MESSAGES FROM THE ASSEMBLY.

DEPUTY CHAIRMAN: I have to announce to the House that I have received the following messages, dated the 3rd and 5th September 1958, from the Hon. Speaker, Madras Legislative Assembly:—

(1) In accordance with rule 114 of the Madras Assembly Rules, I transmit a copy of the Madras City Improvement Trust (Amendment) Bill, 1958 (L.A. Bill No. 20 of 1958), as passed by the Assembly on the 3rd September 1958 and signed by me, for the concurrence of the Council.

(2) In accordance with rule 114 of the Madras Assembly Rules, I transmit a copy of the Madras Children (Amendment) Bill, 1958 (L.A. Bill No. 10 of 1958), as passed by the Assembly on the 5th September 1958, and signed by me, for the concurrence of the Council.